

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Crim. No. 08-0221
)	
MARK ANTHONY JACKSON)	
)	

MEMORANDUM ORDER

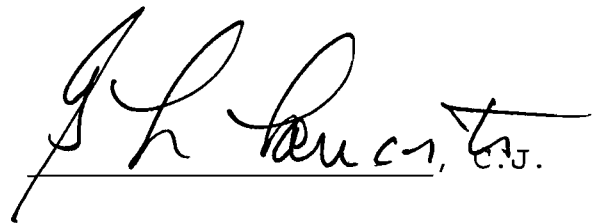
Defendant, Mark Anthony Jackson, has filed a paper captioned "Petitioner's Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)". In short, Jackson asks the court to reduce his 60 month sentence of incarceration in light of amendments to the Sentencing Guidelines that became retroactively effective on March 1, 2008.

Jackson was sentenced in August of 2009, pursuant to the 2008 edition of the Guidelines Manual, which included those amendments. See U.S.S.G., Amend. 706, 711, 713. Under the amended guidelines, because Jackson stipulated by way of plea agreement to possessing and distributing between 50 and 150 grams of crack cocaine, his base offense level was 30. His base offense level would not change were his sentence calculated under the 2009 edition of the Guidelines Manual. Because Jackson was being sentenced after the directive of Booker was issued, the court considered the section 3553 factors. As a result, the court reduced Jackson's recommended Guidelines sentence of 78 and 97 months incarceration to the mandatory

statutory minimum of 60 months incarceration. Jackson's sentence is now final.

The circumstances under which a court may modify a final sentence are limited. 18 U.S.C. § 3582. Jackson contends that his sentence should be reduced pursuant to section 3582(c)(2), because the Sentencing Commission made its crack cocaine amendments retroactive. See U.S.S.G., Amend. 713. Jackson is correct that retroactive amendment of a Sentencing Guideline is grounds for a reduction in sentence. However, Jackson is not entitled to a reduction in this case because he was sentenced in accordance with those amended Guidelines in August of 2009. Moreover, because Jackson pled guilty to 21 U.S.C. § 841(b)(1)(B)(iii), which imposes a 60 month mandatory minimum sentence, Jackson's sentence could not be reduced below 60 months.

WHEREFORE, IT IS HEREBY ORDERED this 22nd day of December, 2010, that Jackson's Petition for Reduction in Sentencing [Doc. No. 53] is DENIED.

A handwritten signature in black ink, appearing to read "J. H. Roberts, C.J.", is written over a horizontal line.

cc: All Counsel of Record
Mark Anthony Jackson (I.D. No. 09871-068)
Federal Correctional Institution
Loretto, PA 15940